

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

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*In the Matter of:*

Port Kent Post Office  
Port Kent, New York 12975

Docket No. A2012-57

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UNITED STATES POSTAL SERVICE  
COMMENTS REGARDING APPEAL  
(December 29, 2011)

On October 20, 2011, the Postal Regulatory Commission ("Commission") received an appeal postmarked November 4, 2011 from petitioner Elaine Smith ("Petitioner"), objecting to the discontinuance of the Post Office at Port Kent, New York.<sup>1</sup> On November 22, 2011, the Commission issued Order No. 991, its Notice and Order Accepting Appeal and Establishing Procedural Schedule under 39 U.S.C. § 404(d). Postal customer Jim Mori filed a letter in support of the petition on November 29, 2011 and Petitioner filed a Participant Statement in support of her petition on December 14, 2011. In accordance with Order No. 991, the administrative record was filed with the Commission on November 21, 2011.

The appeal and subsequent filings raise two main issues: (1) the impact on the provision of postal services, and (2) the impact upon the Port Kent community. As reflected in the administrative record of this proceeding, the Postal Service gave these issues serious consideration. In addition, consistent with the Postal Service's statutory

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<sup>1</sup> This discontinuance was conducted pursuant to Handbook PO-101, dated August 2004, and updated with Postal Bulletin revisions through August 2, 2007.

obligations and Commission precedent,<sup>2</sup> the Postal Service gave consideration to a number of other issues, including the impact of the discontinuance upon postal employees. Accordingly, the determination to discontinue the Port Kent Post Office should be affirmed.

## **Background**

The Final Determination To Close the Port Kent, NY Post Office and Establish Service by Rural Route Service (“Final Determination” or “FD”),<sup>3</sup> as well as the administrative record, indicate that the Port Kent Post Office provides EAS-11 level service to 190 Post Office Box customers and no delivery route customers.<sup>4</sup> The postmaster of the Port Kent Post Office resigned on August 29, 2009.<sup>5</sup> Since the postmaster vacancy arose, an officer-in-charge (“OIC”) was installed to operate the office.<sup>6</sup> The noncareer postmaster relief (“PMR”) serving as the OIC may be separated from the Postal Service, although attempts will be made to reassign the employee to a nearby facility.<sup>7</sup> The average number of daily retail window transactions at the Port Kent Post Office is 14.40, accounting for 13 minutes of workload daily.<sup>8</sup> Revenue has

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<sup>2</sup> See 39 U.S.C. 404(d)(2)(A).

<sup>3</sup> The Final Determination can be found at Item 47 in the administrative record. All citations to the Final Determination will be to “FD at \_\_\_\_,” rather than to Item 47. The FD page number refers to the pages as marked on the upper right of the document. Other items in the administrative record are referred to as “Item \_\_\_\_.”

<sup>4</sup> FD at 9; Item No. 18, Post Office Closing or Consolidation Proposal Fact Sheet (“Post Office Fact Sheet”) at 1; Item No. 41, Proposal to Close the Port Kent, NY Post Office and Establish Service by Rural Route Service (Revised) (“Revised Proposal”) at 2.

<sup>5</sup> FD at 2; Item No. 41, Revised Proposal at 2, 9.

<sup>6</sup> FD at 2; Item No. 41, Revised Proposal at 2, 9.

<sup>7</sup> FD at 7, 9; Item No. 41, Revised Proposal at 9.

<sup>8</sup> FD at 2; Item No. 18, Post Office Fact Sheet at 1; Item No. 41, Revised Proposal at 2.

declined: \$28,772 in FY 2008 (75 revenue units); \$24,124 in FY 2009 (63 revenue units); and \$22,682 in FY 2010 (59 revenue units).<sup>9</sup>

Upon implementation of the Final Determination, delivery and retail services will be provided by rural route services under the administrative responsibility of the Keeseville Post Office,<sup>10</sup> an EAS-18 level office located four miles away, which has 308 available Post Office Boxes.<sup>11</sup>

The Postal Service followed the proper procedures that led to the posting of the Final Determination. All issues raised by the customers of the Port Kent Post Office were considered and properly addressed by the Postal Service. The Postal Service complied with all notice requirements. In addition to the posting of the Proposal and Final Determination, customers received notice through other means. Questionnaires were distributed to all Post Office Box customers of the Port Kent Post Office.<sup>12</sup> Questionnaires were also available over the counter for retail customers at Port Kent.<sup>13</sup> A letter from the Manager of Post Office Operations, Albany, New York, was also made available to postal customers, which advised customers that the Postal Service was evaluating whether the continued operation of the Port Kent Post Office was

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<sup>9</sup> FD at 2; Item No. 18, Post Office Fact Sheet at 1; Item No. 41, Revised Proposal at 2.

<sup>10</sup> The Keeseville Post Office is not on the candidate list in the Retail Access Optimization Initiative (PRC Docket N2011-1).

<sup>11</sup> FD at 2; Item No. 18, Post Office Fact Sheet at 1; Item No. 41, Revised Proposal at 2.

<sup>12</sup> Item No. 20, Questionnaire Instruction Letter from P.O. Review Coordinator to OIC/Postmaster at Port Kent Post Office at 1; Item No. 21, Cover Letter at 1.

<sup>13</sup> FD at 2; Item No. 20, Questionnaire Instruction Letter from P.O. Review Coordinator to OIC/Postmaster at Port Kent Post Office at 1.

warranted.<sup>14</sup> The letter invited customers to express their opinions about the service they were receiving and the effects of a possible change in the way postal services are provided.<sup>15</sup> Forty-six customers returned questionnaires, and the Postal Service responded.<sup>16</sup> In addition, representatives from the Postal Service were available at the Port Kent Post Office for a community meeting on May 19, 2011 to answer questions and provide information to customers.<sup>17</sup> Customers received formal notice of the Proposal and Final Determination through postings at the Port Kent and Keeseville Post Offices.<sup>18</sup> The Proposal was posted with an invitation for public comment at the Port Kent and Keeseville Post Offices for 60 days, beginning on June 22, 2011.<sup>19</sup> Forty-eight customers returned a comment in response to the “Invitation for Comments” after the proposal was posted.<sup>20</sup> The Postal Service responded to those concerns.<sup>21</sup> The Final Determination was posted at the Port Kent and Keeseville Post Offices starting on October 31, 2011 as confirmed by the round-date stamped Final Determination cover sheets that appear in the administrative record.<sup>22</sup>

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<sup>14</sup> Item No. 21, Cover Letter at 1.

<sup>15</sup> *Id.*

<sup>16</sup> See generally, Item No. 22, Returned Customer Questionnaires and Postal Service Response Letters.

<sup>17</sup> FD at 2; Item No. 21, Cover Letter at 1; Item No. 24; Community Meeting Roster; Item No. 25, Community Meeting Analysis; Item No. 41, Revised Proposal at 2.

<sup>18</sup> Item No. 36, Round-date Stamped Proposal and Invitations for Comment Cover Sheets; Item No. 49, Round-date Stamped Final Determination Cover Sheets.

<sup>19</sup> Item No. 36, Round-date Stamped Proposal and Invitations for Comment Cover Sheets; Item No. 49, Round-date Stamped Final Determination Cover Sheets.

<sup>20</sup> Item No. 38, Proposal Comments and Postal Service Response Letters; Item No. 40, Analysis of Comments.

<sup>21</sup> FD at 2-3; Item No. 38, Proposal Comments and Postal Service Response Letters; Item No. 40, Analysis of Comments.

<sup>22</sup> Item No. 49, Round-date Stamped Final Determination Cover Sheets.

In light of a postmaster vacancy; minimal workload; declining office revenue;<sup>23</sup> the variety of delivery and retail options (including the convenience of rural delivery and retail service);<sup>24</sup> minimal impact upon the community;<sup>25</sup> and the expected financial savings,<sup>26</sup> the Postal Service issued the Final Determination.<sup>27</sup> Regular and effective postal services will continue to be provided to the Port Kent community in a cost-effective manner upon implementation of the Final Determination.<sup>28</sup>

Each of the issues raised by the Petitioner is addressed in the paragraphs which follow.

### **Effect on Postal Services**

Consistent with the mandate in 39 U.S.C. § 404(d)(2)(A)(iii), and as addressed throughout the administrative record, the Postal Service considered the effect of closing the Port Kent Post Office on postal services provided to Port Kent customers. The closing is premised upon providing regular and effective postal services to Port Kent customers.

Upon the implementation of the Final Determination, delivery and retail services will be provided by rural route delivery to mailboxes emanating from the Keeseville Post Office.<sup>29</sup> In addition to rural delivery, which is the recommended alternate service,

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<sup>23</sup> FD at 2; Item No. 18, Post Office Fact Sheet at 1; Item No. 41, Revised Proposal at 2.

<sup>24</sup> FD at 6; Item No. 41, Revised Proposal at 7.

<sup>25</sup> FD at 7; Item No. 41, Revised Proposal at 7-8.

<sup>26</sup> FD at 8; Item No. 17, Alternate Service Options Cost Analysis at 2; Item No. 41, Revised Proposal at 9.

<sup>27</sup> FD at 1.

<sup>28</sup> *Id.* at 9.

<sup>29</sup> FD at 2; Item No. 41, Revised Proposal at 2.

customers may also receive postal services at the Keeseville Post Office, which is located four miles away.<sup>30</sup> The window service hours of the Keeseville Post Office are from 9:00 a.m. to 12:00 p.m. and 1:30 p.m. to 5:00 p.m., Monday through Friday, and 9:00 a.m. to 11:30 a.m. on Saturday.<sup>31</sup> Furthermore, the special attention and assistance provided by the personnel at the Port Kent Post Office will be provided by personnel at the Keeseville Post Office and from the carrier.<sup>32</sup>

The Petitioner raises the issue of the effect of the Port Kent Post Office's closing on the provision of postal services, noting the convenience of the Port Kent Post Office and requesting its retention. She contends that service through the Keeseville Post Office and rural route delivery will not provide the maximum degree of effective postal services because 1) the Port Kent Post Office is more convenient; 2) senior citizens will have difficulty obtaining necessary services from the Keeseville Post Office and the rural route carrier; and 3) the weather makes it difficult to travel to the Keeseville Post Office.<sup>33</sup> Each of these concerns was considered by the Postal Service.<sup>34</sup>

Specifically, the Postal Service has considered the impact of closing the Port Kent Post Office upon the provision of postal services to Port Kent customers.<sup>35</sup> Rural

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<sup>30</sup> FD at 2; Item No. 41, Revised Proposal at 2.

<sup>31</sup> FD at 2; Item No. 41, Revised Proposal at 2.

<sup>32</sup> FD at 2; Item No. 41, Revised Proposal at 2.

<sup>33</sup> Nov. 4, 2011 Petition and Letter of Appeal.

<sup>34</sup> See, e.g., FD at 2-6; Item No. 22, Returned Customer Questionnaires and Postal Service Response Letters at 98, 101, 103, 106, 107, 112, 113, 115, 121, 126, 127, 131, 133-136, 138, and 140; Item No. 23, Analysis of Questionnaires at 2-3; Item No. 25, Community Meeting Analysis at 1-3; Item No. 40, Analysis of Comments at 1; Item No. 41, Revised Proposal at 2-6.

<sup>35</sup> FD at 2-7; Item No. 22, Returned Customer Questionnaires and Postal Service Response Letters at 96-141; Item No. 23, Analysis of Questionnaires at 2; Item No. 25, Community Meeting Analysis at 1-3; Item No. 41, Revised Proposal at 2-6.

route delivery to mailboxes installed on the carrier's line of travel provides similar access to retail service, thereby alleviating the need to travel to the Post Office for most services.<sup>36</sup> As explained throughout the administrative record, carriers can perform many functions (at the same time that the carrier delivers the mail) that will prevent any need to go to a Post Office.<sup>37</sup> Carrier service is especially beneficial to many senior citizens and those who face special challenges because the carrier can provide delivery and retail services, eliminating the need for customers to make a special trip to the Post Office for service.

Additionally, most transactions do not require meeting the carrier at the mailbox.<sup>38</sup> The Postal Service explained that it offers several convenient options that can save customers a trip to the Post Office and removing the need to interact with a carrier for most postal transactions.<sup>39</sup> Special provisions are made, on request, for hardship cases or special customer needs.<sup>40</sup>

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<sup>36</sup> FD at 2-7; Item No. 22, Returned Customer Questionnaires and Postal Service Response Letters at 96-141; Item No. 23, Analysis of Questionnaires at 2; Item No. 25, Community Meeting Analysis at 1-3; Item No. 41, Revised Proposal at 2-6.

<sup>37</sup> FD at 2-7; Item No. 22, Returned Customer Questionnaires and Postal Service Response Letters at 96-141; Item No. 23, Analysis of Questionnaires at 2; Item No. 25, Community Meeting Analysis at 1-3; Item No. 41, Revised Proposal at 2-6.

<sup>38</sup> FD at 2-7; Item No. 22, Returned Customer Questionnaires and Postal Service Response Letters at 96-141; Item No. 23, Analysis of Questionnaires at 2; Item No. 25, Community Meeting Analysis at 1-3; Item No. 41, Revised Proposal at 2-6.

<sup>39</sup> FD at 2-7; Item No. 22, Returned Customer Questionnaires and Postal Service Response Letters at 96-141; Item No. 23, Analysis of Questionnaires at 2; Item No. 25, Community Meeting Analysis at 1-3; Item No. 41, Revised Proposal at 2-6.

<sup>40</sup> FD at 2-7; Item No. 22, Returned Customer Questionnaires and Postal Service Response Letters at 96-141; Item No. 23, Analysis of Questionnaires at 2; Item No. 25, Community Meeting Analysis at 1-3; Item No. 41, Revised Proposal at 2-6.

Additionally, the Postal Service addressed customers' concerns that service by rural route carrier would not be as effective as service to P.O. Boxes due to inclement weather.<sup>41</sup> More specifically, the Postal Service explained that the carrier is required to provide a vehicle of adequate size, equipped with necessary equipment (chains or snow tires, warning lights or signs, etc.) to serve the route safely and efficiently and in accordance with federal, state, and local motor vehicle laws and regulations.<sup>42</sup> Further, while inclement weather conditions are a factor in delivering mail to and collecting mail from mailboxes, they are also a factor for P.O. Box customers who must traverse parking areas and sidewalks to obtain their mail. As explained above, carriers can perform many functions (at the same time that the carrier delivers the mail) that will prevent any need to go to a Post Office for most transactions, particularly during inclement weather.<sup>43</sup>

Thus, the Postal Service has properly concluded that all Port Kent customers will continue to receive regular and effective service via rural route delivery to mailboxes on the carrier's line of travel.

### **Effect Upon the Port Kent Community**

The Postal Service is obligated to consider the effect of its decision to close the Port Kent Post Office upon the Port Kent community.<sup>44</sup> While the primary purpose of

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<sup>41</sup> FD at 5; Item No. 25, Community Meeting Analysis at 1; Item No. 41, Revised Proposal at 5.

<sup>42</sup> FD at 5; Item No. 25, Community Meeting Analysis at 1; Item No. 41, Revised Proposal at 5.

<sup>43</sup> FD at 2-7; Item No. 22, Returned Customer Questionnaires and Postal Service Response Letters at 96-141; Item No. 23, Analysis of Questionnaires at 2; Item No. 25, Community Meeting Analysis at 1-3; Item No. 41, Revised Proposal at 2-6.

<sup>44</sup> 39 U.S.C. § 404(d)(2)(A)(i).



the Postal Service is to provide postal services, the statute recognizes the substantial role in community affairs often played by local Post Offices, and requires consideration of that role whenever the Postal Service proposes to close or consolidate a Post Office.

Port Kent is an unincorporated community located in Essex County.<sup>45</sup> The community is administered politically by the Town Supervisor of the Town of Chesterfield.<sup>46</sup> Police protection is provided by the New York State Police Department.<sup>47</sup> Fire protection is provided by the Keeseville Volunteer Fire Department.<sup>48</sup> The questionnaires completed by Port Kent customers indicate that, in general, the retirees, commuters, self-employed, and others who reside in Port Kent travel elsewhere for other supplies and services.<sup>49</sup>

Mr. Mori raises the issue of the effect of the Port Kent Post Office's closing on the community of Port Kent because the Post Office serves as (1) a community center, and (2) a point of pride and patriotism in Port Kent's history.<sup>50</sup> However, as documented in the record, the Postal Service considered issues regarding the effect of its decision to close the Port Kent Post Office upon the Port Kent community. Specifically, the Postal Service explained that a community's identity derives from the interest and vitality of its

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<sup>45</sup> FD at 7.

<sup>46</sup> *Id.*; Item No. 16, Community Survey Sheet at 1.

<sup>47</sup> FD at 7; Item No. 16, Community Survey Sheet at 1.

<sup>48</sup> FD at 7; Item No. 16, Community Survey Sheet at 1.

<sup>49</sup> See *generally* Item No. 22, Returned Customer Questionnaires and Postal Service Response Letters.

<sup>50</sup> Nov. 29, 2011 Letter. Specifically, Mr. Mori identifies the role that Elkanah Watson played in the history of Port Kent. The closing of the Port Kent Post Office, however, does not alter this history, nor does it change Watson Manor's designation as a National History Landmark, which Mr. Mori identifies as a designation "in recognition of [Elkanah Watson's] importance as a national historic figure." *Id.*

residents and their use of its name.<sup>51</sup> The record makes clear that the Postal Service is addressing this concern through preservation of the community identity by continuing the use of the Port Kent name and ZIP Code in addresses.<sup>52</sup> The Postal Service further explained that residents can continue to meet informally, socialize, and share information at the other businesses, churches and residences in town.<sup>53</sup>

Communities generally require regular and effective postal services and these will continue to be provided to the Port Kent community. Rural carrier service is expected to be able to handle any future growth in the community.<sup>54</sup> In addition, the Postal Service has concluded that nonpostal services provided by the Port Kent Post Office can be provided by the Keeseville Post Office.<sup>55</sup> Government forms usually provided by the Post Office are also available by contacting local government agencies.<sup>56</sup>

Additionally, as already explained above in response to Petitioner's concerns about whether effective service will be provided to senior citizens and those needing additional assistance, the Postal Service considered the impact of the closing of the Post Office on those individuals. The Postal Service explained that services provided at

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<sup>51</sup> FD at 7; Item No. 25, Community Meeting Analysis at 3; Item No. 40, Analysis of Comments at 2; Item No. 41, Revised Proposal at 7.

<sup>52</sup> FD at 7; Item No. 25, Community Meeting Analysis at 3; Item No. 40, Analysis of Comments at 2; Item No. 41, Revised Proposal at 7.

<sup>53</sup> FD at 7; Item No. 22, Returned Customer Questionnaires and Postal Service Response Letters at 126, 133, 135, and 141; Item No. 23, Analysis of Questionnaires at 3; Item No. 40, Analysis of Comments at 2-3; Item No. 41, Revised Proposal at 7.

<sup>54</sup> FD at 7; Item No. 22, Returned Customer Questionnaires and Postal Service Response Letters at 101; Item No. 25, Community Meeting Analysis at 1; Item No. 41, Revised Proposal at 8.

<sup>55</sup> FD at 7; Item No. 41, Revised Proposal at 7.

<sup>56</sup> FD at 7; Item No. 41, Revised Proposal at 7.

the Port Kent Post Office will be available from the carrier and that carrier service is beneficial to many senior citizens and others because the carrier can provide delivery and retail service to roadside mailboxes.<sup>57</sup> Customers do not have to make a special trip to the Post Office for service.<sup>58</sup> Most transactions do not require meeting the carrier at the mailbox.<sup>59</sup> Special provisions are made, on request, for hardship cases or special customer needs.<sup>60</sup> Stamps by Mail and Money Order Application forms are available for customer convenience.<sup>61</sup>

The Petitioner claims that the population of Port Kent is increasing based on the construction of homes, increased use of the local golf course, and the potential for 200 new homes with the completion of a water improvement project by the end of 2011.<sup>62</sup> However, these assertions provide little concrete support for the assumptions that Port Kent's population trends or economic trends will reverse themselves in the short or long

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<sup>57</sup> FD at 3, 6; Item No. 22, Returned Customer Questionnaires and Postal Service Response Letters at 98, 101, 103, 106, 107, 112, 113, 115, 121, 126, 127, 131, 133-136, 138 and 140; Item No. 25, Community Meeting Analysis at 1-3; Item No. 40, Analysis of Comments at 1; Item No. 41, Revised Proposal at 4-6.

<sup>58</sup> FD at 3, 6; Item No. 22, Returned Customer Questionnaires and Postal Service Response Letters at 98, 101, 103, 106, 107, 112, 113, 115, 121, 126, 127, 131, 135, 136, 138 and 140; Item No. 25, Community Meeting Analysis at 1-3; Item No. 40, Analysis of Comments at 1; Item No. 41, Revised Proposal at 4-6.

<sup>59</sup> FD at 3, 6; Item No. 22, Returned Customer Questionnaires and Postal Service Response Letters at 98, 101, 103, 106, 107, 112, 113, 115, 121, 126, 127, 131, 135, 136, 138 and 140; Item No. 25, Community Meeting Analysis at 1-3; Item No. 40, Analysis of Comments at 1; Item No. 41, Revised Proposal at 4-6.

<sup>60</sup> FD at 3, 6; Item No. 22, Returned Customer Questionnaires and Postal Service Response Letters at 98, 101, 103, 106, 107, 112, 113, 115, 121, 126, 127, 131, 133-136, 138 and 140; Item No. 25, Community Meeting Analysis at 1-3; Item No. 40, Analysis of Comments at 1; Item No. 41, Revised Proposal at 4-6.

<sup>61</sup> FD at 3, 6; Item No. 22, Returned Customer Questionnaires and Postal Service Response Letters at 98, 101, 103, 106, 107, 112, 113, 115, 121, 126, 127, 131, 135, 136, 138 and 140; Item No. 25, Community Meeting Analysis at 1-3; Item No. 40, Analysis of Comments at 2; Item No. 41, Revised Proposal at 4-6.

<sup>62</sup> Nov. 4, 2011 Petition and Letter of Appeal.

term. Further, the administrative record is clear that, based on the information obtained by the Postal Service, it was determined that there has been minimal growth in the area in recent years and that carrier service will be able to accommodate future growth.<sup>63</sup> The Petitioner has not presented community-specific data that contradict the administrative record.

Thus, the Postal Service has met its burden, as set forth in 39 U.S.C. § 404(d)(2)(A)(i), by considering the effect of closing the Port Kent Post Office on the community served by the Port Kent Post Office.

### **Economic Savings**

Postal officials also properly considered the economic savings that would result from the proposed closing, as provided under 39 U.S.C. § 404(d)(2)(A)(iv). The Postal Service estimates that rural route carrier service would cost the Postal Service substantially less than maintaining the Port Kent Post Office and would still provide regular and effective service.<sup>64</sup> The estimated annual savings associated with discontinuing the Port Kent Post Office are \$29,544.<sup>65</sup> Economic factors are one of several factors that the Postal Service considered, and economic savings have been calculated as required for discontinuance studies, which is noted throughout the administrative record and consistent with the mandate in 39 U.S.C. § 404(d)(2)(A)(iv).<sup>66</sup>

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<sup>63</sup> FD at 2; Item No. 23, Analysis of Questionnaires at 2; Item No. 25, Community Meeting Analysis at 1; Item No. 40, Analysis of Comments at 1; Item No. 41, Revised Proposal at 2; *see also* Item No. 16, Community Survey Sheet at 1.

<sup>64</sup> FD at 8-9.

<sup>65</sup> *Id.* at 8; Item No. 17, Alternate Service Options Cost Analysis at 2; Item No. 41, Revised Proposal at 9.

<sup>66</sup> *See, e.g.*, FD at 8; Item No. 17, Alternate Service Options Cost Analysis at 2; Item No. 41, Revised Proposal at 9.

The Petitioner suggests various alternative strategies that she thinks would raise revenue or decrease costs, rather than closing rural offices with small budgets, such as charging for post office boxes or reducing delivery by one day per week.<sup>67</sup> The Postal Service has broad experience with similar options. In fact the Postal Service has considered implementing some of those options and has asked Congress for permission to implement others.<sup>68</sup> However, the focus of this administrative action concerns whether service can be provided effectively and efficiently to the Port Kent community.

The Postal Service determined that rural carrier service is more cost-effective than maintaining the Port Kent postal facility and postmaster position.<sup>69</sup> The Postal Service's estimates are supported by record evidence, in accordance with the Postal Service's statutory obligations. The Postal Service, therefore, has considered the economic savings to the Postal Service resulting from such a closing, consistent with its statutory obligations and Commission precedent.<sup>70</sup>

### **Effect on Employees**

As documented in the record, the impact on postal employees is minimal. The postmaster resigned on August 29, 2009.<sup>71</sup> Since the postmaster vacancy arose, an OIC was installed to operate the office.<sup>72</sup> The noncareer PMR serving as the OIC may

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<sup>67</sup> Nov. 4, 2011 Petition and Letter of Appeal.

<sup>68</sup> See, e.g., Item No. 40, Analysis of Comments at 1.

<sup>69</sup> FD at 8; Item No. 17, Alternate Service Options Cost Analysis at 2; Item No. 41, Revised Proposal at 9.

<sup>70</sup> See 39 U.S.C. § 404(d)(2)(A)(iv).

<sup>71</sup> FD at 2; Item No. 41, Revised Proposal at 2, 9.

<sup>72</sup> FD at 2; Item No. 41, Revised Proposal at 2, 9.

be separated from the Postal Service, although attempts will be made to reassign the employee to a nearby facility.<sup>73</sup> The record shows that no other employee would be affected by this closing.<sup>74</sup> Therefore, in making the determination, the Postal Service considered the effect of the closing on the employees at the Port Kent Post Office, consistent with its statutory obligations.<sup>75</sup>

### **Conclusion**

As reflected throughout the administrative record, the Postal Service has followed the proper procedures and carefully considered the effect of closing the Port Kent Post Office on the provision of postal services and on the Port Kent community, as well as the economic savings that would result from the proposed closing, the effect on postal employees, and other factors, consistent with the mandate of 39 U.S.C. § 404(d)(2)(A).

After taking all factors into consideration, the Postal Service determined that the advantages of discontinuance outweigh the disadvantages. In addition, the Postal Service concluded that after the discontinuance, the Postal Service will continue to provide effective and regular service to Port Kent customers. The Postal Service respectfully submits that this conclusion is consistent with and supported by the administrative record and is in accord with the policies stated in 39 U.S.C. § 404(d)(2)(A). The Postal Service's decision to close the Port Kent Post Office should, accordingly, be affirmed.

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<sup>73</sup> FD at 7, 9; Item No. 41, Revised Proposal at 9.

<sup>74</sup> FD at 7, 9; Item No. 41, Revised Proposal at 9.

<sup>75</sup> See 39 U.S.C. § 404(d)(2)(A)(ii).

The Postal Service respectfully requests that the determination to close the Port Kent Post Office be affirmed.

Respectfully submitted,

**UNITED STATES POSTAL SERVICE**

By its attorneys:

Anthony F. Alverno  
Chief Counsel, Global Business  
& Service Development

Caroline R. Brownlie  
Attorney

475 L'Enfant Plaza, S.W.  
Washington, D.C. 20260-1137  
(202) 268-3010; Fax -5287  
caroline.r.brownlie@usps.gov  
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